

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

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In the Matter of)	
)	
Accipiter Communications, Inc.)	
)	
and)	
)	
Qwest Corporation)	CC Docket No. 96-45
)	
Joint Petition for Waiver of the)	
Definition of "Study Area" of the)	
Appendix-Glossary of Part 36 of the)	
Commission's Rules)	
)	
)	

**PETITION FOR WAIVER OF PAGE LIMIT
IN SECTION 1.115(f) OF THE COMMISSION'S RULES**

Accipiter Communications, Inc., ("Accipiter") by its undersigned counsel, respectfully requests a waiver of Section 1.115(f) of the Commission's Rules to the extent its Application for Review exceeds the 25 page limit established therein. In support of this Petition, the following is shown:

Accipiter and Qwest Corporation filed their Joint Petition for waiver of the frozen study area rule on June 20, 2006. The Wireline Competition Bureau denied the petition by Order on September 1, 2010.¹ Accipiter electronically filed an Application for Review of the Bureau Order on October 1, 2010 in the Commission's Electronic

¹ *Accipiter Communications, Inc. and Qwest Corporation, Joint Petition for Waiver of the Definition of "Study Area" Contained in Part 36 of the Commission's Rules, Petition for Waiver of Section 69.3(e)(11) of the Commission's Rules, Order, DA 10-1675, Sep. 1, 2010 ("Bureau Order" or "Order").*

Comment Filing System.² The text of the Application for Review, as filed exceeds the 25-page limit of Section 1.115(f) by two pages and two lines.

The Bureau Order addressed by the Application for Review is itself relatively brief, involving only a few paragraphs of substantive discussion.³ In order to fully address the issues raised by the Order, however, it was necessary for Accipiter to provide a full discussion of the history and basis for the Commission's jurisdictional separations rules and procedures back to 1930; its frozen study area and NECA organization and function rules back to 1985; the many detailed discussions with the Bureau regarding the Petition over more than four years; and the multiple public interest issues raised by denial of the Petition.

Accipiter recognizes the legitimacy of the page limitation in the rules, however it submits that the Commission's review of the Bureau Order will be facilitated by a full explanation of the multiple interrelated issues raised by the Application for Review. Consideration of the slight addition of two plus additional pages will serve the public interest in assuring adequate consideration while burdening the record to only a minimal extent.

Accipiter therefore respectfully requests waiver of the page limitation of Section 1.115(f). Alternatively, Accipiter requests that it be given leave to reformat its Application and resubmit *nunc pro tunc*.

² Confirmation Number 2010101756199.

³ Order at paras. 7-12.

Respectfully submitted

Accipiter Communications, Inc.

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October 14, 2010